

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**CASE NO. 04-CV-12137 JLT**

SUZANNE GENEREUX and BARRY	)
GENEREUX, Individually and as Parents	)
And Natural Guardians of their minor	)
children, ANGELA GENEREUX and	)
KRISTA GENEREUX,	)
Plaintiffs	)
v.	)
AMERICAN BERYLLIA CORP., BRUSH	)
WELLMAN, INC., BRUSH WELLMAN	)
CERAMICS, INC., BRUSH WELLMAN	)
CERAMIC PRODUCTS, INC., HARDRIC	)
LABORATORIES, INC., KYOCERA	)
AMERICA, INC., KYOCERA INDUSTRIAL	)
CERAMICS CORP., and RAYTHEON	)
COMPANY,	)
Defendants	)

**SWORN STATEMENT UNDER LOCAL RULE 26.1(B)(2)**

I, Dino Nicoletta, President and CEO of American Beryllia, Incorporated, in connection with the above-captioned matter, do hereby swear, under oath, to the following matters, as required pursuant to the provisions of Local Rule 26.1(B)(2) of the U.S. District Court of the District of Massachusetts.

A. At the time of the transaction or occurrence, giving rise to the claim alleged in the plaintiffs' Complaint, American Beryllia, Inc. was not in existence. The individuals identified in the defendant's initial disclosures are the individuals believed by American Beryllia to have discoverable information about the claims or defenses. Specifically, Dino Nicoletta has common knowledge regarding the formation of American Beryllia, Inc. and American Beryllia, Inc.'s sale of products to Raytheon. Howard Appel has common knowledge of the sale of American Beryllia Products to

Raytheon. In addition, he has common knowledge of General Ceramics' sale of products to Raytheon, at the time General Ceramics existed in the 1980s and 1990s. Robert Gogolen also has knowledge of the sale of American Beryllia and General Ceramics products to Raytheon. Hobart Truesdell was the sole shareholder, director and president of General Ceramics at its dissolution. John Doyno is knowledgeable about the Haskell Properties' purchase of General Ceramics' assets in bankruptcy proceedings. Larry Feinsinger is also knowledgeable regarding Haskell Properties' purchase of General Ceramics' assets in the bankruptcy proceedings in New Jersey.

Dino Nicoletta, Howard Appel and Robert Gogolen will testify that American Beryllia was not in existence at the time the plaintiff worked at the Raytheon facility in Waltham, Massachusetts. In addition, these individuals will testify that, since American Beryllia's formation, it has sold a minimal amount of products to Raytheon. These individuals will also testify that American Beryllia, since its inception, has packaged all beryllium-containing products with a label, warning against the hazards of beryllium. This label was produced by American Beryllia in its initial disclosures under Fed. R. Civ. P. Rule 26. Howard Appel and Robert Gogolen will also testify regarding General Ceramics' sale of products to Raytheon during the period in question. They will testify that General Ceramics only sold finished products to Raytheon that were not harmful if left unmodified and in tact. In addition, they will testify that every packaged containing beryllium products was shipped by General Ceramics with a warning label regarding the harmful qualities of American Beryllia. Hobart Truesdell will testify regarding the circumstances surrounding General Ceramics' dissolution. John Doyno and Larry Feinsinger will testify regarding the purchase by Haskell Properties of General Ceramics' assets in bankruptcy proceedings in Bankruptcy Court for the District of New Jersey. These individuals will testify that

Haskell Properties purchased General Ceramics' assets free and clear of all liens, encumbrances, claims and interests of any nature whatsoever.

B. Defendant, American Beryllia, or its agents, have not obtained any statements from opposing parties, or officers, directors or employees of opposing parties regarding the subject matter of the claims or defenses.

C. American Beryllia does not have any knowledge regarding any government agencies or officials that have investigated the transaction or occurrence giving rise to the claims or defenses.

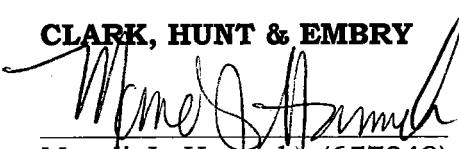
SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 23<sup>rd</sup> DAY OF NOVEMBER, 2005.



Dino Nicoletta, President,  
American Beryllia, Inc.  
16 First Avenue  
Haskell, N.J. 07420

Respectfully submitted,

**CLARK, HUNT & EMBRY**



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail (by hand) on 11-29-05.

